

AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1718

**Introduced by Committee on Transportation (Dutra (Chair),
Chan, Chu, Liu, Longville, Nakano, Oropeza, Parra, Pavley,
Salinas, and Simitian)**

February 27, 2003

An act to amend ~~Section 24403~~ Sections 116.870 and 116.880 of the Code of Civil Procedure, to repeal Section 229.40 of the Streets and Highways Code, and to amend Sections 544, 3014, 3015, 3050.1, 3050.2, 3050.3, 3050.4, 3050.6, 3050.7, 3052, 3062, 3066, 3067, 4453, 11204, 12810.5, 16076, 24403, and 40508 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1718, as amended, Committee on Transportation. Vehicles: ~~motorcycles; foglamps.~~

Existing

(1) Existing law requires the Department of Motor Vehicles to suspend the driving privilege of a judgment debtor for failing to satisfy a judgment if, among other things, the judgment was for property damage in excess of \$500. Where the judgment was for \$500 or less, existing law authorizes the judgment creditor to file a notice with the department requesting a suspension of the judgment debtor's privilege to operate a motor vehicle.

This bill would require the department to suspend the driving privilege of a judgment debtor for failing to satisfy a judgment if, in addition to other requirements, the judgment was for property damage

in excess of \$750. The bill would authorize a judgment creditor to file a notice with the department requesting a suspension of the judgment debtor's privilege to operate a motor vehicle if, in addition to other requirements, the judgment was for \$750 or less.

(2) Existing law requires the department to determine the facilities and attractions for which generic tourist oriented directional signs will be provided, depending on whether those facilities and attractions meet specified minimum criteria. Existing law establishes that criteria governing the administration, standards, eligibility, and fees concerning the tourist oriented directional sign program remain in effect only until January 1, 2004 and are thereafter repealed.

This bill would delete the specified repeal date.

(3) Existing law defines "total loss salvage vehicle for purposes of the Vehicle Code."

This bill would make changes to that definition.

(4) Existing law establishes the New Motor Vehicle Board and requires the department to provide the board with the services of a secretary and an assistant secretary to perform certain board functions. Existing law also authorizes a hearing officer to discharge certain acts.

This bill would transfer the duties of a secretary to an executive director and would delete all reference to a secretary or an assistant secretary. The bill would also transfer the authorization granted to a hearing officer to an administrative law judge and would delete references to a hearing officer. The bill would add prehearing conference proceedings to the specified list of proceedings in which an administrative law judge is authorized to act.

(5) Existing law prohibits a person from driving a motor vehicle unless it is registered and appropriate fees have been paid, with certain exceptions. Upon registering a vehicle, existing law requires the department to issue a certificate of ownership and a registration card to the legal owner. Existing law requires a registration card to contain certain information upon its face, including the name and residence or business address of the owner and of the legal owner of the vehicle. Existing law prohibits general delivery or post office box numbers to be used as the address of the registered owner unless there is no other address.

This bill would authorize the use of a mailing address on the face of a registration card and would delete the prohibition on the use of general delivery or post office box numbers.



(6) Existing law requires the department to license operators of traffic violator schools if those operators meet specified criteria, including passing an examination on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, traffic violator school statutes and regulations, and office procedures and recordkeeping.

This bill would authorize the department, in lieu of that examination, to accept submission of evidence by the licensee of continuing professional education, as defined.

(7) Existing law requires the department to prepare and publish a printed summary to notify a person whose driving privilege is suspended of that person's right to apply for a restricted driving privilege. Existing law specifies the content of that summary.

This bill would make changes to that content.

(8) Existing law authorizes a motor vehicle to be equipped with not more than 2 foglamps that may be used with, but may not be used in substitution of, headlamps. Existing law requires foglamps ~~are required~~ to be mounted on the front at a height of not less than 12 inches nor more than 30 inches ~~and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle projects higher than a level of 4 inches below the level of the center of the lamp from which it comes, for a distance of 25 feet ahead of the vehicle.~~

This

For motorcycles with foglamps, this bill would ~~authorize for motorcycles~~ require the mounting height for the foglamps to be not more than 40 inches.

(9) The bill would make technical, nonsubstantive changes in existing law relating to vehicles.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 116.870 of the Code of Civil Procedure
- 2 is amended to read:
- 3 116.870. Sections 16250 to 16381, inclusive, of the Vehicle
- 4 Code, regarding the suspension of the judgment debtor's privilege
- 5 to operate a motor vehicle for failing to satisfy a judgment, apply
- 6 if the judgment (1) was for damage to property in excess of five

1 ~~hundred dollars (\$500)~~ *seven hundred fifty dollars (\$750)* or for
2 bodily injury to, or death of, ~~any~~ a person in any amount, and (2)
3 resulted from the operation of a motor vehicle upon a California
4 highway by the defendant, or by any other person for whose
5 conduct the defendant was liable, unless the liability resulted from
6 the defendant's signing the application of a minor for a driver's
7 license.

8 *SEC. 2. Section 116.880 of the Code of Civil Procedure is*
9 *amended to read:*

10 116.880. (a) If the judgment (1) was for ~~five hundred dollars~~
11 ~~(\$500)~~ *seven hundred fifty dollars (\$750)* or less, (2) resulted from
12 a motor vehicle accident occurring on a California highway caused
13 by the defendant's operation of a motor vehicle, and (3) has
14 remained unsatisfied for more than 90 days after the judgment
15 became final, the judgment creditor may file with the Department
16 of Motor Vehicles a notice requesting a suspension of the judgment
17 debtor's privilege to operate a motor vehicle.

18 (b) The notice shall state that the judgment has not been
19 satisfied, and shall be accompanied by (1) a fee set by the
20 department, (2) the judgment of the court determining that the
21 judgment resulted from a motor vehicle accident occurring on a
22 California highway caused by the judgment debtor's operation of
23 a motor vehicle, and (3) a declaration that the judgment has not
24 been satisfied. The fee shall be used by the department to finance
25 the costs of administering this section and ~~shall~~ *may* not exceed the
26 department's actual costs.

27 (c) Upon receipt of a notice, the department shall attempt to
28 notify the judgment debtor by telephone, if possible, otherwise by
29 certified mail, that the judgment debtor's privilege to operate a
30 motor vehicle will be suspended for a period of 90 days, beginning
31 20 days after receipt of notice by the department from the
32 judgment creditor, unless satisfactory proof, as provided in
33 subdivision (e), is provided to the department before that date.

34 (d) At the time the notice is filed, the department shall give the
35 judgment creditor a copy of the notice, ~~which~~ *that* shall indicate
36 the filing fee paid by the judgment creditor, and shall include a
37 space to be signed by the judgment creditor acknowledging
38 payment of the judgment by the judgment debtor. The judgment
39 creditor shall mail or deliver a signed copy of the acknowledgment
40 to the judgment debtor once the judgment is satisfied.

(e) The department shall terminate the suspension, or the suspension proceedings, upon the occurrence of ~~any one or more~~ of the following:

(1) Receipt of proof that the judgment has been satisfied, either (A) by a copy of the notice required by this section signed by the judgment creditor acknowledging satisfaction of the judgment, or (B) by a declaration of the judgment debtor stating that the judgment has been satisfied.

(2) Receipt of proof that the judgment debtor is complying with a court-ordered payment schedule.

(3) Proof that the judgment debtor had insurance covering the accident sufficient to satisfy the judgment.

(4) A deposit with the department of the amount of the unsatisfied judgment, if the judgment debtor presents proof, satisfactory to the department, of inability to locate the judgment creditor.

(5) At the end of 90 days.

(f) When the suspension has been terminated under subdivision (e), the action is final and may not be reinstituted. Whenever the suspension is terminated, Section 14904 of the Vehicle Code shall apply. Money deposited with the department under this section shall be handled in the same manner as money deposited under subdivision (d) of Section 16377 of the Vehicle Code.

(g) ~~No~~ A public agency is *not* liable for ~~any~~ an injury caused by the suspension, termination of suspension, or the failure to suspend ~~any~~ a person's privilege to operate a motor vehicle as authorized by this section.

SEC. 3. Section 229.40 of the Streets and Highways Code is repealed.

~~229.40. This chapter shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2004, deletes or extends that date.~~

SEC. 4. Section 544 of the Vehicle Code is amended to read:
544. "Total loss salvage vehicle" means ~~a~~ either of the following:

(a) A vehicle, other than a nonrepairable vehicle, of a type subject to registration that has been wrecked, destroyed, or damaged, to ~~such an~~ the extent that the owner, leasing company, financial institution, or the insurance company that insured *or is*

1 *responsible for repair of the vehicle, considers it uneconomical to*
2 *repair the vehicle and because of this, the vehicle is not repaired*
3 *by or for the person who owned the vehicle at the time of the event*
4 *resulting in damage.*

5 *(b) A vehicle that was determined to be uneconomical to repair,*
6 *for which a total loss payment has been made by an insurer,*
7 *whether or not the vehicle is subsequently repaired, if prior to or*
8 *upon making the payment to the claimant, the insurer obtains the*
9 *agreement of the claimant to the amount of the total loss*
10 *settlement, and informs the client that, pursuant to Section 11515,*
11 *the total loss settlement must be reported to the Department of*
12 *Motor Vehicles, which will issue a salvage certificate for the*
13 *vehicle.*

14 *SEC. 5. Section 3014 of the Vehicle Code is amended to read:*

15 ~~3014. The department shall provide the board with the~~
16 ~~services, as secretary, of a qualified, trained person, who shall,~~
17 ~~subject to board may appoint an executive director, who shall be~~
18 ~~exempt from civil service requirements, and who shall devote as~~
19 ~~much time as may be necessary to discharge the functions of the~~
20 ~~board as herein provided. In addition, the board may appoint an~~
21 ~~assistant secretary, who shall be exempt from civil service. The~~
22 ~~department, in addition, shall provide the board with the necessary~~
23 ~~personnel, office space, equipment, supplies, and services which~~
24 ~~that, in the opinion of the board, may be necessary to administer~~
25 ~~this chapter. However, the board may contract with the department~~
26 ~~or another state agency for office space, equipment, supplies, and~~
27 ~~services, as determined by the board to be appropriate, for the~~
28 ~~administration of this chapter.~~

29 *SEC. 6. Section 3015 of the Vehicle Code is amended to read:*

30 ~~3015. In addition to the office of the secretary executive~~
31 ~~director in Sacramento, the department shall, as the need therefor~~
32 ~~occurs, secure adequate rooms for the meetings of the board in Los~~
33 ~~Angeles, San Francisco, Sacramento, or such other locations in the~~
34 ~~state as may be required in the discretion of the board, to~~
35 ~~administer this chapter.~~

36 *SEC. 7. Section 3050.1 of the Vehicle Code is amended to*
37 *read:*

38 ~~3050.1. (a) In any a proceeding, hearing, or in the discharge~~
39 ~~of any duties imposed under this chapter, the board, its secretary~~
40 ~~executive director, or a hearing officer an administrative law judge~~

designated by the board may administer oaths, take depositions, certify to official acts, and issue subpoenas to compel attendance of witnesses and the production of books, records, papers, and other documents in any part of the state.

(b) For purposes of discovery, the board or its ~~secretary~~ *executive director* may, if deemed appropriate and proper under the circumstances, authorize the parties to engage in ~~those~~ *the civil action* discovery procedures ~~as are provided for in civil actions~~ in Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure, excepting the provisions of Section 2030 of that code. Discovery shall be completed no later than 15 days prior to the commencement of the proceeding or hearing before the board. This subdivision shall apply only to those proceedings or hearings involving a petition or protest filed pursuant to subdivision (c) or (d) of Section 3050. The board, its ~~secretary~~ *executive director*, or ~~a hearing officer~~ *an administrative law judge* designated by the board may issue subpoenas to compel attendance at depositions of persons having knowledge of the acts, omissions, or events ~~which~~ *that* are the basis for the proceedings, as well as the production of books, records, papers, and other documents.

SEC. 8. Section 3050.2 of the Vehicle Code is amended to read:

3050.2. (a) Obedience to subpoenas issued to compel attendance of witnesses, or the production of books, records, papers, and other documents at the proceeding or hearing, may be enforced by application to the superior court as set forth in Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) Compliance with discovery procedures authorized pursuant to subdivision (b) of Section 3050.1 may be enforced by application to the ~~secretary~~ *executive director* of the board. The ~~secretary~~ *executive director* may, at the direction of the board, upon a showing of failure to comply with authorized discovery without substantial justification for that failure, dismiss the protest or petition or suspend the proceedings pending compliance. The ~~secretary~~ *executive director* may, at the direction of the board, upon a failure to comply with authorized discovery without substantial justification for that failure, require payment of costs incurred by the board, as well as attorney's fees and costs of the

1 party who successfully makes or opposes a motion to compel
2 enforcement of discovery. Nothing in this section precludes the
3 ~~secretary executive director~~ from making application to the
4 superior court to enforce obedience to subpoenas or compliance
5 with other discovery procedures authorized pursuant to
6 subdivision (b) of Section 3050.1.

7 *SEC. 9. Section 3050.3 of the Vehicle Code is amended to*
8 *read:*

9 3050.3. ~~Each~~ A witness, other than an officer or employee of
10 the state or of a political subdivision of the state, who appears by
11 order of the board or its ~~secretary executive director~~, shall receive
12 for his *or her* attendance the same fees and ~~all witnesses shall~~
13 ~~receive~~ the same mileage allowed by law to witnesses in civil
14 cases. The amount shall be paid by the party at whose request the
15 witness is subpoenaed. The mileage and fees, if any, of a witness
16 subpoenaed by the board or its ~~secretary executive director~~, but not
17 at the request of a party, shall be paid from the funds provided for
18 the use of the board in the same manner that other expenses of the
19 board are paid.

20 *SEC. 10. Section 3050.4 of the Vehicle Code is amended to*
21 *read:*

22 3050.4. In ~~any~~ a protest or petition before the board, the
23 board, its ~~secretary executive director~~, or ~~a hearing officer~~ *an*
24 *administrative law judge* designated by the board or its ~~secretary~~
25 ~~executive director~~, may order a mandatory settlement conference.
26 The failure of a party to appear, to be prepared, or to have authority
27 to settle the matter may result in ~~any or all~~ *one or more* of the
28 following:

29 (a) The board, its ~~secretary executive director~~, or ~~a hearing~~
30 ~~officer~~ *an administrative law judge* designated by the board or its
31 ~~secretary executive director~~, may suspend all proceedings before
32 the board in the matter until compliance.

33 (b) The board, its ~~secretary executive director~~, or ~~a hearing~~
34 ~~officer~~ *an administrative law judge* designated by the board or its
35 ~~secretary executive director~~, may dismiss the proceedings or any
36 part thereof before the board with or without prejudice.

37 (c) The board, its ~~secretary executive director~~, or ~~a hearing~~
38 ~~officer~~ *an administrative law judge* designated by the board or its
39 ~~secretary executive director~~, may require all the board's costs to be
40 paid by the party at fault.

(d) The board, its ~~secretary~~ *executive director*, or a ~~hearing officer~~ *an administrative law judge* designated by the board or its ~~secretary~~ *executive director*, may deem that the party at fault has abandoned the matter.

SEC. 11. Section 3050.6 of the Vehicle Code is amended to read:

3050.6. The board or its ~~secretary~~ *executive director* may, in the event of a granting of a continuance of a scheduled matter, assess costs of the board upon the party receiving the continuance.

SEC. 12. Section 3050.7 of the Vehicle Code is amended to read:

3050.7. (a) The board may adopt stipulated decisions and orders, without a hearing pursuant to Section 3066, to resolve one or more issues raised by a protest or petition filed with the board. Whenever the parties to ~~any~~ *a* protest or petition submit a proposed stipulated decision and proposed order of the board, a copy of the proposed stipulated decision and order shall be transmitted by the ~~secretary~~ *executive director* of the board to each member of the board. The proposed stipulated decision and order shall be deemed to be adopted by the board unless ~~any~~ *a* member of the board notifies the ~~secretary~~ *executive director* of the board of an objection thereto within 10 days after that board member has received a copy of the proposed stipulated decision and order.

(b) If the board adopts a stipulated decision and order to resolve a protest filed pursuant to Section 3060 in which the parties stipulate that good cause exists for the termination of the franchise of the protestant, and the order provides for a conditional or unconditional termination of the franchise of the protestant, subdivision (b) of Section 3060, which requires a hearing to determine whether good cause exists for termination of the franchise, is inapplicable to the proceedings. If the stipulated decision and order provides for an unconditional termination of the franchise, the franchise may be terminated without ~~any~~ further proceedings by the board. If the stipulated decision and order provides for the termination of the franchise, conditioned upon the failure of ~~any~~ *a* party to comply with ~~any~~ specified conditions, the franchise may be terminated upon a determination, according to the terms of the stipulated decision and order, that the conditions have not been met. If the stipulated decision and order provides for the termination of the franchise conditioned upon the occurrence

1 of any specified conditions, the franchise may be terminated upon
2 a determination, according to the terms of the stipulated decision
3 and order, that the stipulated conditions have occurred.

4 *SEC. 13. Section 3052 of the Vehicle Code is amended to read:*

5 3052. (a) On or before the 10th day after the last day on which
6 reconsideration of a final decision of the department can be
7 ordered, the respondent may file an appeal with the ~~secretary~~
8 *executive director* of the board. The appeal shall be in writing and
9 shall state the grounds therefor. A copy of the appeal shall be
10 mailed by the appellant to the department ~~which, and the~~
11 *department* shall thereafter be considered ~~in all respects~~ as a party
12 to the appeal. The right to appeal is not affected by failure to seek
13 reconsideration before the department.

14 (b) An appeal is considered to be filed on the date it is received
15 in the office of the ~~secretary~~ *executive director* of the board, except
16 that an appeal mailed to the ~~secretary~~ *executive director* by means
17 of registered mail is considered to be filed with the ~~secretary~~
18 *executive director* on the postmark date.

19 (c) The appeal shall be accompanied by evidence that the
20 appellant has requested the administrative record of the
21 department and advanced the cost of preparation of that record.
22 The complete administrative record includes the pleadings, all
23 notices and orders issued by the department, any proposed
24 decision by ~~a hearing officer~~ *an administrative law judge*, the
25 exhibits admitted or rejected, the written evidence, and any other
26 papers in the case. All ~~or those~~ parts of the administrative record
27 requested by the appellant may be filed with the appeal together
28 with the appellant's points and authorities. If the board orders the
29 filing of additional parts of the administrative record, the board
30 may order prior payment by the appellant of the cost of providing
31 those additional parts.

32 (d) Except as provided in subdivisions (e) and (f), ~~no~~ a decision
33 of the department ~~shall~~ *may not* become effective during the period
34 an appeal may be filed, and the filing of an appeal shall stay the
35 decision of the department until a final order is made by the board.

36 (e) When a decision has ordered revocation of a dealer's
37 license, the department may, on or before the last day upon which
38 an appeal may be filed with the board, petition the board to order
39 the decision of the department into effect.

(f) With respect to the department's petition filed pursuant to subdivision (e), the department shall have the burden of proof. The board shall act upon the petition within 14 days or prior to the effective date of the department's decision, whichever is later. The board may order oral argument on the petition before the board. Oral argument by telephone conference call with a quorum of the board members present, either in person or by telephone, is permitted.

SEC. 14. Section 3062 of the Vehicle Code is amended to read:

3062. (a) (1) Except as otherwise provided in subdivision (b), if a franchisor seeks to enter into a franchise establishing an additional motor vehicle dealership within a relevant market area where the same line-make is then represented, or seeks to relocate an existing motor vehicle dealership, the franchisor shall, in writing, first notify the board and each franchisee in that line-make in the relevant market area of the franchisor's intention to establish an additional dealership or to relocate an existing dealership within or into that market area. Within 20 days of receiving the notice, satisfying the requirements of this section, or within 20 days after the end of ~~any~~ *an* appeal procedure provided by the franchisor, ~~any~~ *a* franchisee required to be given the notice may file with the board a protest to the establishing or relocating of the dealership. If, within this time, a franchisee files with the board a request for additional time to file a protest, the board or its ~~secretary~~ *executive director*, upon a showing of good cause, may grant an additional 10 days to file the protest. When ~~such~~ a protest is filed, the board shall inform the franchisor that a timely protest has been filed, that a hearing is required pursuant to Section 3066, and that the franchisor ~~shall~~ *may* not establish or relocate the proposed dealership until the board has held a hearing as provided in Section 3066, nor thereafter, if the board has determined that there is good cause for not permitting the dealership. In the event of multiple protests, hearings may be consolidated to expedite the disposition of the issue.

(2) If a franchisor seeks to enter into a franchise that authorizes a satellite warranty facility to be established at, or relocated to, a proposed location ~~which~~ *that* is within two miles of ~~any~~ *a* dealership of the same line-make, the franchisor shall first give notice in writing of the franchisor's intention to establish or relocate a satellite warranty facility at the proposed location to the

1 board and each franchisee operating a dealership of the same
2 line-make within two miles of the proposed location. Within 20
3 days of receiving the notice satisfying the requirements of this
4 section, or within 20 days after the end of ~~any~~ *an* appeal procedure
5 provided by the franchisor, ~~any~~ *a* franchisee required to be given
6 the notice may file with the board a protest to the establishing or
7 relocating of the satellite warranty facility. If, within this time, a
8 franchisee files with the board a request for additional time to file
9 a protest, the board or its ~~secretary~~ *executive director*, upon a
10 showing of good cause, may grant an additional 10 days to file the
11 protest. When ~~such~~ a protest is filed, the board shall inform the
12 franchisor that a timely protest has been filed, that a hearing is
13 required pursuant to Section 3066, and that the franchisor ~~shall~~
14 *may* not establish or relocate the proposed satellite warranty
15 facility until the board has held a hearing as provided in Section
16 3066, nor thereafter, if the board has determined that there is good
17 cause for not permitting the satellite warranty facility. In the event
18 of multiple protests, hearings may be consolidated to expedite the
19 disposition of the issue.

20 (3) The written notice shall contain, on the first page thereof in
21 at least 12-point bold type and circumscribed by a line to segregate
22 it from the rest of the text, the following statement:

23 “NOTICE TO DEALER: You have the right to file a protest
24 with the NEW MOTOR VEHICLE BOARD in Sacramento and
25 have a hearing on your protest under the terms of the California
26 Vehicle Code if you oppose this action. You must file your protest
27 with the board within 20 days of your receipt of this notice, or
28 within 20 days after the end of any appeal procedure that is
29 provided by us to you. If within this time you file with the board
30 a request for additional time to file a protest, the board or its
31 ~~secretary~~ *executive director*, upon a showing of good cause, may
32 grant you an additional 10 days to file the protest.”

33 (b) Subdivision (a) does not apply to either of the following:

34 (1) The relocation of an existing dealership to ~~any~~ *a* location
35 that is both within the same city as, and ~~is~~ within one mile from,
36 the existing dealership location.

37 (2) The establishment at ~~any~~ *a* location that is both within the
38 same city as, and ~~is~~ within one-quarter mile from, the location of
39 a dealership of the same line-make that has been out of operation
40 for less than 90 days.

(c) Subdivision (a) does not apply to ~~any~~ a display of vehicles at a fair, exposition, or similar exhibit if ~~no~~ actual sales are *not* made at the event and the display does not exceed 30 days. This subdivision ~~shall~~ *may* not be construed to prohibit a new vehicle dealer from establishing a branch office for the purpose of selling vehicles at the fair, exposition, or similar exhibit, even though ~~that~~ the event is sponsored by a financial institution, as defined in Section 31041 of the Financial Code or by a financial institution and a licensed dealer. The establishment of these branch offices, however, shall be in accordance with subdivision (a) where applicable.

(d) For the purposes of this section, the reopening of a dealership that has not been in operation for one year or more shall be deemed the establishment of an additional motor vehicle dealership.

(e) As used in this section, the following definitions apply:

(1) “Motor vehicle dealership” or “dealership” means ~~any~~ *an* authorized facility at which a franchisee offers for sale or lease, displays for sale or lease, or sells or leases new motor vehicles.

(2) “Satellite warranty facility” means ~~any~~ *a* facility operated by a franchisee where authorized warranty repairs and service are performed and the offer for sale or lease, the display for sale or lease, or the sale or lease of new motor vehicles is not authorized to take place.

SEC. 15. Section 3066 of the Vehicle Code is amended to read:

3066. (a) Upon receiving a notice of protest pursuant to Section 3060, 3062, 3064, 3065, or 3065.1, the board shall fix a time, ~~which shall be~~ within 60 days of the order, and place of hearing, and shall send by registered mail a copy of the order to the franchisor, the protesting franchisee, and all individuals and groups ~~which~~ *that* have requested notification by the board of protests and decisions of the board. Except in ~~any~~ *a* case involving a franchisee who deals exclusively in motorcycles, the board or its ~~secretary~~ *executive director* may, upon a showing of good cause, accelerate or postpone the date initially established for a hearing, but ~~in no event shall~~ the hearing *may not* be rescheduled more than 90 days after the board’s initial order. For the purpose of accelerating or postponing a hearing date, “good cause” includes, but is not limited to, the effects upon, and any irreparable harm to, the parties or interested persons or groups if the request for a

1 change in hearing date is not granted. The board, ~~or a hearing~~
2 ~~officer or an administrative law judge~~ designated by the board,
3 shall hear and consider the oral and documented evidence
4 introduced by the parties and other interested individuals and
5 groups, and the board shall make its decision solely on the record
6 so made. Chapter 4.5 (commencing with Section 11400) of Part 1
7 of Division 3 of Title 2 of the Government Code and Sections
8 11507.3, 11507.6, 11507.7, 11511, ~~11511.5~~, 11513, 11514, 11515,
9 and 11517 of the Government Code apply to these proceedings.

10 (b) In ~~any~~ a hearing on a protest filed pursuant to Section 3060
11 or 3062, the franchisor shall have the burden of proof to establish
12 that there is good cause to modify, replace, terminate, or refuse to
13 continue a franchise. The franchisee shall have the burden of proof
14 to establish that there is good cause not to enter into a franchise
15 establishing or relocating an additional motor vehicle dealership.

16 (c) In ~~any~~ a hearing on a protest alleging a violation of, or filed
17 pursuant to, Section 3064, 3065, or 3065.1, the franchisee shall
18 have the burden of proof, but the franchisor has the burden of proof
19 to establish that a franchisee acted with intent to defraud the
20 franchisor where that issue is material to a protest filed pursuant
21 to Section 3065 or 3065.1.

22 (d) A member of the board who is a new motor vehicle dealer
23 may not participate in, hear, comment, or advise other members
24 upon, or decide, ~~any~~ a matter involving a protest filed pursuant to
25 this article unless all parties to the protest stipulate otherwise.

26 *SEC. 16. Section 3067 of the Vehicle Code is amended to read:*

27 3067. (a) The decision of the board shall be in writing and
28 shall contain findings of fact and a determination of the issues
29 presented. The decision shall sustain, conditionally sustain,
30 overrule, or conditionally overrule the protest. ~~Any conditions~~
31 *Conditions* imposed by the board shall be for the purpose of
32 assuring performance of binding contractual agreements between
33 franchisees and franchisors or otherwise serving the purposes of
34 this article. If the board fails to act within 30 days after ~~such the~~
35 hearing, within 30 days after the board receives a proposed
36 decision where the case is heard before ~~a hearing officer or an~~
37 *administrative law judge* alone, or within ~~such a period as may be~~
38 necessitated by Section 11517 of the Government Code, or as may
39 be mutually agreed upon by the parties, then the proposed action
40 shall be deemed to be approved. Copies of the board's decision

shall be delivered to the parties personally or sent to them by registered mail, as well as to all individuals and groups, ~~which that~~ have requested notification by the board of protests and decisions by the board. The board's decision shall be final upon its delivery or mailing and ~~no~~ a reconsideration or rehearing ~~shall be~~ is not permitted.

(b) Notwithstanding subdivision ~~(b)~~ (c) of Section 11517 of the Government Code, if a protest is heard by ~~a hearing officer~~ an administrative law judge alone, 10 days after receipt by the board of the ~~hearing officer's~~ administrative law judge's proposed decision, a copy of the proposed decision shall be filed by the board as a public record and a copy shall be served by the board on each party and his or her attorney.

SEC. 17. Section 4453 of the Vehicle Code is amended to read:

4453. (a) The registration card shall contain upon its face, the date issued, the name and residence or business address *or mailing address* of the owner and of the legal owner, if any, the registration number assigned to the vehicle, and a description of the vehicle as complete as that required in the application for registration of the vehicle.

(b) ~~A The following~~ motor vehicle ~~of a type included in this subdivision~~ vehicles shall be identified as such on the face of the registration card; whenever the department is able to ascertain that fact; at the time application is made for initial registration or transfer of ownership of the vehicle:

(1) A motor vehicle rebuilt and restored to operation ~~which that~~ was previously declared to be a total loss salvage vehicle because the cost of repairs exceeds the retail value of the vehicle.

(2) A motor vehicle rebuilt and restored to operation ~~which that~~ was previously reported to be dismantled pursuant to Section 11520.

(3) A motor vehicle previously registered to a law enforcement agency and operated in law enforcement work.

(4) A motor vehicle formerly operated as a taxicab.

(5) A motor vehicle manufactured outside of the United States and not intended by the manufacturer for sale in the United States.

(6) A park trailer, as described in Section 18009.3 of the Health and Safety Code, ~~which that~~ when moved upon the highway is required to be moved under a permit pursuant to Section 35780.

(7) A motor vehicle that has been reacquired under circumstances described in subdivision (c) of Section 1793.23 of the Civil Code, a vehicle with out-of-state titling documents reflecting a warranty return, or a vehicle that has been identified by an agency of another state as requiring a warranty return title notation, pursuant to the laws of that state. The notation made on the face of the registration and pursuant to this subdivision shall state "Lemon Law Buyback."

(c) The director may modify the form, arrangement, and information appearing on the face of the registration card and may provide for standardization and abbreviation of fictitious or firm names on the registration card whenever the director finds that the efficiency of the department will be promoted by so doing, ~~except that general delivery or post office box numbers shall not be permitted as the address of the registered owner unless there is no other address.~~

SEC. 18. Section 11204 of the Vehicle Code is amended to read:

11204. (a) The department shall issue a license certificate to each traffic violator school owner and each traffic violator school operator licensed pursuant to this chapter. The term of the license shall be for a period of one year from the date of issue unless canceled, suspended, or revoked by the department. The license shall be renewed annually. The department shall require compliance with Section 11202 for renewal of the license of a traffic violator school owner. The department shall require compliance with Section 11202.5 for renewal of the license of a traffic violator school operator.

~~Where~~

(b) *In lieu of the examination required by Section 11202.5 for renewal of the license of a traffic violator school operator, the department may accept submission of evidence by the licensee of continuing professional education. "Professional education," as used in this section, means the satisfactory completion of courses acceptable to the department related to traffic safety, teaching techniques, or the teaching of driver instruction, or the participation in professional seminars approved by the department.*

(c) *Whenever* in its judgment the public interest so requires, the department may issue a probationary license subject to special

conditions to be observed by the licensee in the conduct of the traffic violator school. The conditions to be attached to the license shall be ~~such as may~~, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein. The conditions ~~shall~~ may not appear on the license certificate.

~~Upon~~

(d) Upon notification of death of a traffic violator school licensee, the department may issue a temporary license to the executor or administrator of the estate of a deceased holder of a validly outstanding license to conduct a traffic violator school, or if no executor or administrator has been appointed and until a certified copy of an order making ~~such~~ an appointment is filed with the department, a temporary license may be issued to the surviving spouse or other heir entitled to conduct the business of the deceased. The temporary license shall permit the holder to conduct the traffic violator school for a period of one year from and after the date of the original licensee's death, and necessary one-year extensions may be granted to permit disposal of the business and qualification for a license of a purchaser of the business or the surviving spouse or heir. The department may restrict or condition a temporary license and attach to the exercise of the privilege thereunder any terms and conditions that in the department's judgment are required for the protection of the public.

SEC. 19. Section 12810.5 of the Vehicle Code is amended to read:

12810.5. (a) Except as otherwise provided in subdivision (b), ~~any~~ a person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months, or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle. In applying this subdivision to a driver, if the person requests and appears at a hearing conducted by the department, the department shall give due consideration to the amount of use or mileage traveled in the operation of a motor vehicle.

(b) (1) ~~Any~~ A class A or class B licensed driver, except persons holding certificates pursuant to Section ~~2512~~, 12517, 12519, 12523, ~~or~~ 12523.5, ~~or~~ 12527, or an endorsement issued pursuant to paragraph (2) or (4) of subdivision (a) of Section 15278, who

1 is presumed to be a negligent operator pursuant to subdivision (a),
2 and who requests and appears at a hearing and is found to have a
3 driving record violation point count of six or more points in 12
4 months, eight or more points in 24 months, or 10 or more points
5 in 36 months is presumed to be a prima facie negligent operator.
6 However, the higher point count ~~shall~~ *does* not apply if the
7 department reasonably determines that four or more points in 12
8 months, six or more points in 24 months, or eight or more points
9 in 36 months are attributable to the driver's operation of a vehicle
10 requiring only a class C license, and not requiring a certificate or
11 endorsement, or a class M license.

12 (2) For purposes of this subdivision, each point assigned
13 pursuant to Section 12810 shall be valued at one and one-half
14 times the value otherwise required by that section for each
15 violation reasonably determined by the department to be
16 attributable to the driver's operation of a vehicle requiring a class
17 A or class B license, or requiring ~~any~~ a certificate or endorsement
18 described in this section.

19 (c) The department may require a negligent operator whose
20 driving privilege is suspended or revoked pursuant to this section
21 to submit proof of financial responsibility, as defined in Section
22 16430, on or before the date of reinstatement following the
23 suspension or revocation. The proof of financial responsibility
24 shall be maintained with the department for three years following
25 that date of reinstatement.

26 ~~(d) This section shall become operative on January 1, 1993.~~

27 *SEC. 20. Section 16076 of the Vehicle Code is amended to*
28 *read:*

29 16076. (a) The department shall notify every person whose
30 driving privilege is suspended, pursuant to Section 16070, of that
31 person's right to apply for a restricted driving privilege authorized
32 under Section 16072.

33 (b) For purposes of subdivision (a), the department shall
34 prepare and publish a printed summary. The printed summary may
35 contain, but is not limited to, the following wording:

36 "If your driving privilege is suspended due to involvement
37 in an accident while you were uninsured, you may apply for a
38 restricted license at any office of the Department of Motor
39 Vehicles, accompanied with proof of financial responsibility,
40 payment of a penalty fee of two hundred fifty dollars (\$250),

1 and, unless already paid, payment of a reissuance fee of fifteen
2 dollars (\$15).

3 The Mello-McAlister Restricted Employment Driving
4 Privilege Act allows you to apply for a driver's license limiting
5 you to driving to and from work, and during the course of your
6 primary employment, during the one-year mandatory term of
7 suspension. The restricted license will not be issued if any other
8 suspension or revocation action has been taken against your
9 driving privilege."

10 (c) This section shall be known and may be cited as the
11 Mello-McAlister Restricted Employment Driving Privilege Act.

12 *SEC. 21.* Section 24403 of the Vehicle Code is amended to
13 read:

14 24403. (a) A motor vehicle may be equipped with not more
15 than two foglamps that may be used with, but may not be used in
16 substitution of, headlamps.

17 (b) On a motor vehicle other than a motorcycle, the foglamps
18 authorized under this section shall be mounted on the front at a
19 height of not less than 12 inches nor more than 30 inches and aimed
20 so that when the vehicle is not loaded none of the high-intensity
21 portion of the light to the left of the center of the vehicle projects
22 higher than a level of four inches below the level of the center of
23 the lamp from which it comes, for a distance of 25 feet in front of
24 the vehicle.

25 (c) On a motorcycle, the foglamps authorized under this
26 section shall be mounted on the front at a height of not less than
27 12 inches nor more than 40 inches and aimed so that when the
28 vehicle is not loaded none of the high-intensity portion of the light
29 to the left of the center of the vehicle projects higher than a level
30 of four inches below the level of the center of the lamp from which
31 it comes, for a distance of 25 feet in front of the vehicle.

32 *SEC. 22.* Section 40508 of the Vehicle Code is amended to
33 read:

34 40508. (a) ~~Any~~ A person willfully violating his or her written
35 promise to appear or a lawfully granted continuance of his or her
36 promise to appear in court or before a person authorized to receive
37 a deposit of bail is guilty of a misdemeanor regardless of the
38 disposition of the charge upon which he or she was originally
39 arrested.

1 (b) ~~Any~~ A person willfully failing to pay a lawfully imposed
2 fine for a violation of ~~any~~ a provision of this code or a local
3 ordinance adopted pursuant to this code within the time authorized
4 by the court and without lawful excuse having been presented to
5 the court on or before the date the fine is due is guilty of a
6 misdemeanor regardless of the full payment of the fine after ~~such~~
7 *that* time.

8 (c) ~~Any~~ A person willfully failing to comply with a condition
9 of a court order for a violation of this code, other than for failure
10 to appear or failure to pay a fine, is guilty of a misdemeanor,
11 regardless of ~~their~~ *his or her* subsequent compliance with the order.

12 (d) If a person convicted of an infraction fails to pay a fine or
13 ~~any~~ *an* installment thereof within the time authorized by the court,
14 the court may, except as otherwise provided in this subdivision,
15 impound the person's driver's license and order the person not to
16 drive for a period not to exceed 30 days. Before returning the
17 license to the person, the court shall endorse on the reverse side of
18 the license that the person was ordered not to drive, the period for
19 which that order was made, and the name of the court making the
20 order. If a defendant with a class ~~3 or 4~~ *C or M* driver's license
21 satisfies the court that impounding his or her driver's license and
22 ordering the defendant not to drive will affect his or her livelihood,
23 the court shall order that the person limit his or her driving for a
24 period not to exceed 30 days to driving that is essential in the
25 court's determination to the person's employment, including the
26 person's driving to and from his or her place of employment if
27 other means of transportation are not reasonably available. The
28 court shall provide for the endorsement of the limitation on the
29 person's license. The impounding of the license and ordering the
30 person not to drive or the order limiting the person's driving does
31 not constitute a suspension of the license, but a violation of the
32 order constitutes contempt of court.